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OFFICE OF PETITIONS

In re Application of
James C. Hillegass, et al.
Application No. 09/844,475
Filed: April 27, 2001
Attorney Docket No. 2160

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 1 2005, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to file a timely reply to a non-final Office action.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

It is noted that petitioner submitted a request for a three-month extension of time with the petition. An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$510 extension of time fee submitted was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being referred to Technology Center 3600.


Marianne E. Jenkins
Petitions Examiner
Office of Petitions